

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

WACHENDORFF-NEUMANN *et al.*

Appl. No.: 10/518,742

§ 371(c) Date: July 26, 2005

For: **Fungicidal Active Substance  
Combinations**

Confirmation No.: 3030

Art Unit: 1615

Examiner: Levy, Neil S.

Atty. Docket: 2400.0250001/RWE/L-Z

**Second Supplemental Information Disclosure Statement  
under 37 C.F.R. § 1.97(c)**

***Mail Stop Amendment***

Commissioner for Patents  
PO Box 1450  
Alexandria, VA 22313-1450

Sir:

Listed on accompanying IDS Forms, PTO/SB/08A and PTO/SB/08B, are documents that may be considered material to the examination of this application, in compliance with the duty of disclosure requirements of 37 C.F.R. §§ 1.56, 1.97 and 1.98. The numbering on this Second Supplemental Information Disclosure Statement is a continuation of the numbering in Applicants' First Supplemental Information Disclosure Statement filed on April 19, 2007, in connection with the above-captioned application.

Copies of documents **NPL2-NPL43** are submitted herewith. In accordance with 37 C.F.R. § 1.98(a)(2), copies of U.S. patents and patent application publications, **US4** to **US30**, cited on the attached IDS Form, PTO/SB/08A, are not submitted. In addition, copies of documents **NPL44-NPL45** are not provided in accordance with the U.S. Patent and Trademark Office OG notice of October 19, 2004, which states: "the requirement in 37 C.F.R. § 1.98(a)(2)(iii) for a legible copy of the specification, including the claims, and drawings of each cited pending U.S. patent application (or portion of the application

which caused it to be listed) is sua sponte waived where the cited pending application is stored in the USPTO's IFW system."

The Examiner's attention is directed to the following co-pending U.S. Patent Applications, which are directed to related technical subject matter:

U.S. Application No. 11/910,659 inventors Wachendorff-Neumann, U., *et al.*, filed on March 27, 2007; not yet published; listed as document **NPL44**; and

Application No. 12/515,339 inventors Dutzmann, S., *et al.*, filed on May 18, 2009; not yet published; listed as document **NPL45**.

Where the publication date of a listed document does not provide a month of publication, the year of publication of the listed document is sufficiently earlier than the effective U.S. filing date and any foreign priority date so that the month of publication is not in issue. Applicants have listed publication dates on the attached IDS Forms based on information presently available to the undersigned. However, the listed publication dates should not be construed as an admission that the information was actually published on the date indicated.

Applicants reserve the right to establish the patentability of the claimed invention over any of the information provided herewith, and/or to prove that this information may not be prior art, and/or to prove that this information may not be enabling for the teachings purportedly offered.

This statement should not be construed as a representation that a search has been made, or that information more material to the examination of the present patent

application does not exist. The Examiner is specifically requested not to rely solely on the material submitted herewith.

This Information Disclosure Statement is being filed more than three months after the U.S. filing date and after the mailing date of the first Office Action on the merits, but before the mailing date of a Final Rejection, or Notice of Allowance, or an action that otherwise closes prosecution in the application. Attached is our PTO-2038 Credit Card Payment Form in the amount of \$180.00 in payment of the fee under 37 C.F.R. § 1.17(p).

It is respectfully requested that the Examiner initial and return a copy of the enclosed IDS Forms, and indicate in the official file wrapper of this patent application that the documents have been considered.

The U.S. Patent and Trademark Office is hereby authorized to charge any fee deficiency, or credit any overpayment, to our Deposit Account No. 19-0036.

Respectfully submitted,

STERNE, KESSLER, GOLDSTEIN & FOX P.L.L.C.

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Date:

*August 31, 2009*

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